

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TARENCE BANKS,  
Plaintiff,

v.

Case No.: 14-cv-381

NURSE LESLIE, et al.,  
Defendants.

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DECLARATION IN SUPPORT OF  
MOTION TO COMPEL AND FOR SANCTIONS

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I, Tarence Banks, being of sound mind and body, free from threat or coercion, and having reached the age of majority ~~testify~~ that:

- 1) I am the Plaintiff in the above captioned case.
- 2) I ~~testify~~ that on December 18, 2014 I filed a discovery request, which is designated at Docket #33 by the Court. The first request in Docket #33 is for the names and contact information of all Defendants in this suit.
- 3) On ~~December~~ October 15, 2015 I sent a letter to the Court requesting aid in determining the identity of Defendant Nurse practitioner Jane Doe. I realized I had not contacted this Defendant's attorney, Mr. Sullivan, in a good faith attempt to obtain his client's identity and contact information.
- 4) I certify that on October 19, 2015 I e-filed a good faith letter with the Court, which is designated as Docket #74.
- 5) I certify that attached Exhibit 1 is the response I received from attorney Steven T. Elmer. According to Exhibit 1 there has been an amended Answer filed by his clients. However, when I reviewed the Docket entries I noticed that the Medical Defendants have only filed an Answer, which is Docket #62. I do not see an "Amended" Answer. When I looked over Docket #62 I did not see the identity of Defendant Jane Doe Nurse Practitioner. Further, I have noticed that the filings by the attorneys for the Medical Defendants never note Defendant Jane Doe by name but reference her as a Jane Doe.
- 6) I have been unable to engage this Jane Doe Defendant in Discovery and I believe that the Court does not have personal jurisdiction over her. This amounts to prejudice to my case. I have no doubt that attorney's Sullivan and Elmer are aware of this but are playing fast and loose with the discovery rules to sandbag or engage in some other form of gamesmanship. As of this date I have not received the identity of the Jane Doe.

Pursuant to 28 USC § 1746, I state under penalty of perjury that the above six (6) averments are true and correct to the best of my personal knowledge.